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Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	No. D-3604
Against:	)	
	)	STIPULATION FOR
MINA RATWANI, M.D.	)	SETTLEMENT AND
30634 Lucania Dr.	)	DECISION
Rancho Palos Verdes, CA 90274	)	
	)	
Physician's and Surgeon's	)	
Certificate No. A-38728	)	
	)	
Respondent.	)	

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled matter that the following allegations are true.

1. Kenneth J. Wagstaff, complainant herein, and Executive Director of the Board of Medical Quality Assurance of the State of California, is represented by John K. Van De Kamp, Attorney General of the State of California, by Alan S. Meth, Deputy Attorney General.

1           2. Mina Ratwani, M.D.(hereafter, "respondent"), is  
2 represented by Jeffrey Adrian Villagran, who has been retained as  
3 her attorney in regard to the administrative action herein and  
4 that the respondent has counselled with Mr. Villagran concerning  
5 the effect of this stipulation, which the respondent has  
6 carefully read and fully understands.

7           3. Respondent has received and read the accusation  
8 which is presently on file as Case No. D-3604, before the  
9 Division of Medical Quality of the Board of Medical Quality  
10 Assurance of the State of California.

11           4. Respondent understands the nature of the charges  
12 alleged in the above-entitled accusation and that said charges  
13 and allegations would constitute cause for imposing discipline  
14 upon respondent's medical license heretofore issued by the Board  
15 of Medical Quality Assurance.

16           5. Respondent and her counsel are aware of each of  
17 respondent's rights, including the right to a hearing on the  
18 charges and allegations, the right to confront and cross-examine  
19 witnesses who would testify against her, the right to present  
20 evidence in her favor and call witnesses on her behalf, or to  
21 testify herself, her right to contest the charges and  
22 allegations, and any other rights which may be accorded to her  
23 pursuant to the California Administrative Procedure Act (Govt.  
24 Code, §11500 et seq.), her right to reconsideration, review by  
25 the superior court and to appeal to any other court. Respondent  
26 understands that in signing this stipulation rather than  
27 contesting the accusation, she is enabling the Division of

1 Medical Quality of the Board of Medical Quality Assurance of the  
2 State of California to issue the following order from this  
3 stipulation without further process.

4 6. Respondent freely and voluntarily waives each and  
5 every one of the rights set forth hereinabove.

6 7. Respondent admits that she is guilty of violating  
7 Business and Professions Code sections 2236(a), 490, 2234 (e),  
8 2261 and 810. Respondent further admits the allegations  
9 contained in paragraphs 9 through 16 of the accusation are true.  
10 The facts alleged in said paragraphs are incorporated herein by  
11 this reference. These admissions are made for the purpose of  
12 this stipulation only, and in the event this stipulation is not  
13 adopted by the Division of Medical Quality, the admissions made  
14 herein shall be inadmissible in any proceeding involving the  
15 parties to it.

16 8. Base upon the foregoing, it is stipulated and  
17 agreed that the Division of Medical Quality may issue the  
18 following as its decision in this case.

19  
20 ORDER

21 IT IS HEREBY ORDERED that license number A-38728  
22 issued to Mina Ratwani, M.D. is revoked. However, said  
23 revocation is stayed and respondent is placed on probation for  
24 five years on the following terms and conditions:

25 1. As part of probation, respondent is suspended from  
26 the practice of medicine for sixty (60) days beginning the  
27 effective date of this decision.

1           2. Within sixty (60) days of the effective date of  
2 this decision, respondent shall take and pass an oral  
3 examination, in a subject to be designated, to be administered  
4 by the Division or its designee. If respondent fails the  
5 examination, respondent must take and pass a re-examination  
6 consisting of a written and an oral clinical examination. The  
7 waiting period between repeat examinations shall be at three  
8 month intervals until success is achieved. The Division shall  
9 pay the cost of the first examination and respondent shall pay  
10 the cost of any subsequent re-examinations. Respondent shall  
11 not practice medicine until respondent has passed the required  
12 examination and has been so notified by the Division in  
13 writing.

14           3. Within ninety (90) days of the effective date of  
15 this decision, and on an annual basis thereafter, respondent  
16 shall submit to the Division for its prior approval an  
17 educational program or course, which shall not be less than 40  
18 hours per year, for each year of probation. At least one  
19 course per year must be in Medical Ethics. This program shall  
20 be in addition to the Continuing Medical Education requirements  
21 for re-licensure. Following the completion of each course, the  
22 Division or its designee may administer an examination to test  
23 respondent's knowledge of the course. Respondent shall provide  
24 proof of attendance for 65 hours of continuing medical  
25 education of which 40 hours were in satisfaction of this  
26 condition and were approved in advance by the Division.

27           4. Respondent shall obey all federal, state, and local

1 laws, and all rules governing the practice of medicine in  
2 California.

3 5. Respondent shall submit quarterly declarations  
4 under penalty of perjury on forms provided by the Division,  
5 stating whether there has been compliance with all the conditions  
6 of probation.

7 6. Respondent shall comply with the Division's  
8 probation surveillance program.

9 7. Respondent shall appear in person for interviews  
10 with the Division's medical consultant upon request at various  
11 intervals and with reasonable notice.

12 8. The period of probation shall not run during the  
13 time respondent is residing or practicing outside the  
14 jurisdiction of California. If, during probation, respondent  
15 moves out of the jurisdiction of California to reside or practice  
16 elsewhere, respondent is required to immediately notify the  
17 Division in writing of the date of departure, and the date of  
18 return, if any.

19 9. Upon successful completion of probation,  
20 respondent's certificate will be fully restored.

21 10. If respondent violates probation in any respect,  
22 the Division, after giving respondent notice and the opportunity  
23 to be heard, may revoke probation and carry out the disciplinary  
24 order that was stayed. If an accusation or petition to revoke  
25 probation is filed against respondent during probation, the  
26 Division shall have continuing jurisdiction until the matter is  
27

1 final, and the period of probation shall be extended until the  
2 matter is final.

3 I concur in the stipulation and order.

4 DATED: 9/30/87

5 JOHN K. VAN DE KAMP, Attorney General  
6 of the State of California

7 

8 ALAN S. METH,  
9 Deputy Attorney General

10 Attorneys for Complainant

11 I concur in the stipulation and order.

12 DATED: 9/16/87

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16 JEFFREY ADRIAN VILLAGRAN

17 Attorney for Respondent

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1 I have read the above stipulation fully and have  
2 discussed it with my counsel. I understand that by its terms I  
3 will be waiving certain rights accorded me under California law.  
4 I also understand that by its terms the Board of Medical Quality  
5 Assurance will issue a decision and order on this stipulation  
6 whereby my license to practice medicine will be subject to  
7 certain terms and conditions. I agree to the above stipulation  
8 for settlement.

9 DATED: 9-14-87

10  
11  
12 Mina Ratwani

13 MINA RATWANI, M.D.

14 Respondent

15 The foregoing is adopted by the Board of Medical  
16 Quality Assurance in this matter and shall be effective on the  
17 16th day of December, 1987.

18 IT IS SO ORDERED this 16th day of November,  
19 1987.

20  
21 John W. Simmons

22 BOARD OF MEDICAL QUALITY ASSURANCE  
23 STATE OF CALIFORNIA

24 JOHN W. SIMMONS, Secretary Treasurer  
25 Division of Medical Quality  
26  
27

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8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
10 BOARD OF MEDICAL QUALITY ASSURANCE  
11 DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation ) No. D-3604  
14 Against: )  
15 ) ACCUSATION  
16 MINA RATWANI, M.D. )  
30634 Lucania Dr. )  
17 Rancho Palos Verdes, CA 90274 )  
Physician's and Surgeon's )  
18 Certificate No. A-38728 )  
Respondent. )  
19

20 Complainant, Kenneth J. Wagstaff, alleges:

21 1. He is the Executive Director of the Board of  
22 Medical Quality Assurance of the State of California ("Board")  
23 and makes and files this accusation in his official capacity.

24 2. At all times herein mentioned respondent Mina  
25 Ratwani, M.D., held Physician's and Surgeon's Certificate No.  
26 A-38728 authorizing her to practice medicine in the State of  
27 California.



1           3. Sections 2227 and 2234 of the Business and  
2 Professions Code ("Code") provide that the Division of Medical  
3 Quality of the Board of Medical Quality Assurance ("Division")  
4 may suspend or revoke the license of any certificate holder who  
5 has been guilty of unprofessional conduct.

6           4. Sections 2236(a) and 490 of the Code provide in  
7 pertinent part that the Division may suspend or revoke the  
8 license of a licensee upon the licensee's conviction of a crime  
9 substantially related to the qualifications, functions or duties  
10 of a physician and surgeon.

11           5. Respondent is subject to disciplinary action  
12 pursuant to sections 2236(a) and 490 of the Code in that:

13           On February 20, 1986, in the Municipal Court of the  
14 State of California, Central Orange County Judicial District, in  
15 Case No. 85 CF 00626, respondent was convicted following her plea  
16 of guilty to violating Insurance Code section 556(a)(1), a  
17 misdemeanor, two counts. Imposition of sentence was suspended  
18 and respondent was placed on probation for three years on the  
19 condition, among others, that she serve 41 days in the Orange  
20 County Jail, with the jail term stayed pending completion of 250  
21 hours of community service.

22           This conviction is substantially related to the  
23 qualifications, functions or duties of a physician and surgeon.

24           6. Section 2234 of the Code provides in pertinent  
25 part:

26           "The Division of Medical Quality shall take action  
27 against any licensee who is charged with unprofessional

1 conduct. In addition to other provisions of this  
2 article, unprofessional conduct includes, but is not  
3 limited to, the following:

4 (e) The comission of any act involving  
5 dishonesty or corruption which is  
6 substantially related to the qualifications,  
7 functions, or duties of a physician or  
8 surgeon."

9 7. Section 2261 of the Code provides:

10 "Knowingly making or signing any certificate or  
11 other document directly or indirectly related to the  
12 practice of medicine or podiatry which falsely  
13 represents the existence or non-existence of a state of  
14 facts, constitutes unprofessional conduct."

15 8. Section 810 of the Code provides in pertinent part:

16 "(a) It shall constitute unprofessional conduct  
17 and grounds for disciplinary action, including  
18 suspension or revocation of a license or cetificate,  
19 for a health care professional to do any of the  
20 following in connection with his professional  
21 activities:

22 (1) Knowingly present or cause to be presented  
23 any false or fraudulent claim for the  
24 payment of a loss under a contract of  
25 insurance.

26 (2) Knowingly prepare, make, or subscribe any  
27 writing, with intent to present or use the

1 same, or to allow it to be presented or  
2 used in support of any such claim."

3 9. On or about September 6, 1984, respondent submitted  
4 or caused to be submitted to Farmers Insurance Exchange, the  
5 automobile insurance company of H [REDACTED] N., a claim for the payment  
6 of \$1,145.00 under a contract of insurance issued against loss by  
7 Farmers Insurance Exchange, and a report written by respondent  
8 dated September 6, 1984, describing the patient's chief  
9 complaints, history, physical examination, diagnostic impression,  
10 treatment and prognosis. This report indicates that H [REDACTED] N.  
11 related that he was involved in an automobile accident on June  
12 29, 1984, and since that time, the patient has experienced  
13 persistent and acute discomfort over the posterior neck and the  
14 lumbar region of his back and has begun to feel nervous as a  
15 result of his symptomatology. The report further indicates a  
16 physical examination performed by respondent on July 23, 1984,  
17 disclosed a patient in some distress with tenderness and  
18 restricted movement secondary to muscle spasms as evidenced by  
19 the manner he held and rotated his head and neck and assumed his  
20 positions on and off the examining table, a diagnostic impression  
21 was formed of cervical, dorsal and lumbar musculo-ligamentous  
22 sprain, the patient was treated with a course of physio-therapy  
23 and seen in follow-up on August 1 and August 8, 1984 without  
24 change or improvement, a follow-up on August 22, 1984 disclosed  
25 moderate improvement, an examination on September 5, 1984  
26 revealed the patient's symptoms were reportedly recurring more  
27

1 periodic and with less intensity and his injury was virtually  
2 resolved objectively, and his prognosis was guarded.

3 10. Respondent's conduct as described in paragraph 9  
4 was dishonest and is evidence of unprofessional conduct in  
5 violation of section 2234(e) and a cause for discipline because  
6 of, but not limited to, the following:

7 A. H[REDACTED] N. did not relate any physical complaints to  
8 respondent.

9 B. Respondent did not provide any medical treatment to  
10 H[REDACTED] N.

11 C. The course of treatment planned for H[REDACTED] N. by  
12 respondent between July 23, 1984 and September 6, 1984, was  
13 designed for the sole purpose of increasing the amount of money  
14 to be billed to Farmers Insurance Exchange.

15 D. The findings of distress, tenderness, muscle  
16 spasms, and restricted movement allegedly discovered upon the  
17 physical examination are false in that the patient suffered from  
18 no distress, tenderness, restricted movement, or muscle spasms.

19 E. The diagnostic impression of cervical dorsal and  
20 lumbar musculo-ligamentous sprain is false.

21 F. The course of treatment described by respondent and  
22 any alleged improvement in the patient's symptomatology is false  
23 in that the patient never suffered any of the symptoms alleged.

24 G. The prognosis is false.

25 H. The claim to Farmers Insurance Exchange for the  
26 payment of a loss under the contract of insurance is false.

27

1           11. Respondent's conduct as described in paragraph 9  
2 constitutes a false representation of the existence of a state of  
3 facts, and is evidence of unprofessional conduct in violation of  
4 section 2261 and a cause for discipline pursuant to section 2234,  
5 for the reasons set forth in paragraph 10.

6           12. Respondent's conduct as described in paragraph 9  
7 is evidence of unprofessional conduct in violation of section 810  
8 and a cause for discipline pursuant to section 2234 for the  
9 reasons set forth in paragraph 10.

10           13. On or about September 7, 1984, respondent  
11 submitted or caused to be submitted to Farmers Insurance  
12 Exchange, the automobile insurance company of F [REDACTED] M., a claim  
13 for the payment of \$795.00 under a contract of insurance issued  
14 against loss by Farmers Insurance Exchange, and a report written  
15 by respondent dated September 7, 1984, describing the patient's  
16 history, the results of a physical examination, diagnostic  
17 impression, treatment and course, and prognosis. This report  
18 indicated that F [REDACTED] M. related that on July 15, 1984, he was  
19 involved in an automobile accident and since that time, he has  
20 continued to experience pain and stiffness in the neck, mid back,  
21 low back, and right arm, occasional headaches, and nervousness.  
22 The report further indicates a physical examination performed by  
23 respondent on August 1, 1984, disclosed a patient in some  
24 distress, tenderness, restricted movement, muscle spasms, and  
25 pain in the cervical, dorsal and lumbar areas, tenderness and  
26 muscle spasms in the right arm were found. The report also  
27 contains a diagnostic impression of cervical, dorsal and lumbar

1 musculo-ligamentous sprain and contusions of the right arm,  
2 describes a course of treatment with physio-therapy to the neck  
3 and back areas between August 1 and August 23, 1984, with follow-  
4 up examination which revealed no change until August 22, 1984, at  
5 which time the patient showed slight improvement, and contains a  
6 prognosis of guarded.

7 14. Respondent's conduct as described in paragraph 13  
8 was dishonest and is evidence of unprofessional conduct in  
9 violation of section 2234(e) and a cause for discipline because  
10 of, but not limited to, the following:

11 A. F [REDACTED] M. did not relate any physical complaints to  
12 respondent.

13 B. Respondent did not provide any medical treatment to  
14 F [REDACTED] M.

15 C. The course of treatment planned for F [REDACTED] M. by  
16 respondent between August 1, 1984 to September 7, 1984, was  
17 designed for the sole purpose of increasing the amount of money  
18 to be billed to Farmers Insurance Exchange.

19 D. The findings of distress, tenderness, muscle  
20 spasms, and restricted movement allegedly discovered upon the  
21 physical examination are false in that the patient suffered from  
22 no distress, tenderness, restricted movement, or muscle spasms.

23 E. The diagnostic impression of cervical dorsal and  
24 lumbar musculo-ligamentous sprain is false.

25 F. The course of treatment described by respondent and  
26 any alleged improvement in the patient's symptomatology is false  
27 in that the patient never suffered any of the symptoms alleged.

1 G. The prognosis is false.

2 H. The claim to Farmers Insurance Exchange for the  
3 payment of a loss under the contract of insurance is false.

4 15. Respondent's conduct as described in paragraph 13  
5 constitutes a false representation of the existence of a state of  
6 facts, and is evidence of unprofessional conduct in violation of  
7 section 2261 and a cause for discipline pursuant to section 2234,  
8 for the reasons set forth in paragraph 14.

9 16. Respondent's conduct as described in paragraph 13  
10 is evidence of unprofessional conduct in violation of section 810  
11 and a cause for discipline pursuant to section 2234 for the  
12 reasons set forth in paragraph 14.


13 WHEREFORE, complainant prays that the Division hold a  
14 hearing on the matters alleged herein, and following said hearing  
15 issue a decision:

16 1. Revoking or suspending Physician's and Surgeon's  
17 Certificate No. A-38728 issued to Mina Ratwani, M.D.; and

18 2. Taking such other and further action as the  
19 Division in its discretion deems proper.

20 DATED: January 20, 1987

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27

  
KENNETH J. WAGSTAFF  
Executive Director  
Board of Medical Quality  
Assurance  
State of California  
  
Complainant